



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-6556

March 25, 2021

Via ECF

The Honorable Eric R. Komitee
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Capogrosso v. Gelbstein, et al., No. 18 Civ. 2710 (EK) (LB)

Dear Judge Komitee,

This Office represents Defendants Alan Gelbstein, Ida Traschen, and Danielle Calvo, in their individual capacities, and New York State Department of Motor Vehicles ("DMV") Commissioner Mark Schroeder, in his official capacity (collectively, the "State Defendants"), in the above-referenced matter. I write pursuant to Individual Rule I(C) to request a 30-day extension of time for the State Defendants to file their motion for summary judgment, from the current deadline of March 31 to April 30, 2021.

The additional time is necessary because of existing deadlines in other matters assigned to the undersigned counsel, including the need to take and defend depositions of several expert witnesses. A 30-day extension will also hopefully help harmonize the briefing schedules for all summary judgment motions in this case, as the *pro se* individual defendant David Smart recently indicated that he intended to file a summary judgment motion of his own. See Dkt. No. 161.

This is the State Defendants' first request for an extension of time to file a motion for summary judgment. I have twice reached out to the *pro se* attorney Plaintiff to obtain his position on the extension request, once on Tuesday March 23 and once Thursday, March 25, but he has not responded to either contact. We thank the Court for its time and consideration of this request.

Respectfully submitted,

James M. Thompson
Assistant Attorney General
james.thompson@ag.ny.gov

Cc: All counsel of record (via ECF)

Mario Capogrosso (via First-Class Mail)
21 Sheldrake Place
New Rochelle, NY 10804

David Smart (via First-Class Mail)
2355 Batchelder St.
Apartment 3E
Brooklyn, NY 11229

Sadiq Tahir (via First-Class Mail)
2994 Coney Island Avenue
Brooklyn, NY 11235